

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:97-00205-02

DOUG MILLS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 27, 2006, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant, Doug Mills, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Keith E. Zutaut, the defendant having commenced a five-year term of supervised release in this action on December 28, 2004, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on April 24, 1998.

The court heard the evidence, admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant failed to report his arrest on January 1, 2006, within 72 hours inasmuch as he did not report it until nine days later when he submitted his monthly report with the probation officer on January 13, 2006; (2) that the defendant used marijuana as evidenced by a positive urine screen submitted by him on July 26, 2005, and as admitted by him via his signature on a voluntary admission form; (3) that on January 1, 2006, during the course of Charleston Police Officers having conducted a search incident to the defendant's arrest, the officers found six Xanax pills located in his left front pants pocket packaged in a small ziplock bag for which he did not produce a prescription or explain why the pills were packaged as they were; and (4) that the defendant failed, without excuse, to report for urinalysis testing as directed by the probation officer on October 24, November 7 and November 21, 2005; all as set forth in the petition on supervised release and the addendum thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense and the intervening conduct of the defendant, that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY to be followed by a term of FORTY-EIGHT MONTHS LESS ONE DAY supervised release, upon the sixteen standard conditions of supervised release in effect in this district and the further condition that the defendant not commit another federal, state or local crime. It is further ORDERED that, with respect to defendant's twelve-month-and-one-day term of imprison-

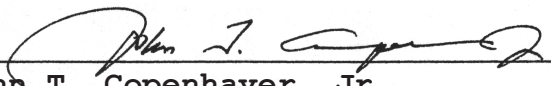
ment, he shall receive credit for time served while in custody awaiting hearing and sentencing from January 24, 2006, to February 27, 2006.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 16, 2006



John T. Copenhaver, Jr.
United States District Judge